

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE  
9

10 MATTHEW DAVID SMITH,

Civil No. 2:17-CV-00647-RAJ

11                   Plaintiff,

12                   vs.

**PROPOSED ORDER**

13 NANCY A. BERRYHILL,

14 Deputy Commissioner for Operations,  
performing the duties and functions not reserved  
to the Commissioner of Social Security,

15                   Defendant.

16                   Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned  
17 case be REMANDED for further administrative proceedings pursuant to sentence six of 42  
18 U.S.C. § 405(g). On remand, the Appeals Council will instruct the Administrative Law Judge to  
19 offer the claimant an opportunity for a hearing, further develop the record and issue a new  
20 decision. Judgment will not issue. The Court will maintain jurisdiction over this case.

21                   Following a sentence six remand, the Commissioner must return to the district court to  
22 file with the Court any such additional or modified findings of fact and decision, and, in any case  
23 in which the Commissioner has not made a fully favorable decision to the individual, a transcript  
24 of the additional record and testimony upon which her action in modifying or affirming was

1 based. 42 U.S.C. § 405(g); *see also Melkonyan v. Sullivan*, 501 U.S. 89, 98 n.1 (1991). Plaintiff  
2 may seek judicial review of a decision not fully favorable by reinstating this case rather than by  
3 filing a new Complaint.

4

5 DATED this 18th day of April, 2018.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24



The Honorable Richard A. Jones  
United States District Judge